

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

UNITED STATES OF AMERICA

v.

OKELLO T. CHATRIE,

Defendant.

Case No. 3:19-cr-00130-MHL

**MOTION FOR LEAVE TO FILE
DOCUMENTS RESPONSIVE TO RULE 17(C) SUBPOENA UNDER SEAL**

Pursuant to Local Criminal Rule 49, Google LLC (“Google”) respectfully requests leave to file documents responsive to the subpoena issued on July 20, 2020, pursuant to Federal Rule of Criminal Procedure 17(c) (ECF No. 133) (the “Subpoena”) under seal. Google specifically seeks leave to file the Third Declaration of Marlo McGriff and accompanying Exhibits under seal. Google is concurrently providing the declarations and exhibits to the parties and lodging them with the Court via email.

Good cause exists to seal the declaration and exhibits. Although there is a presumptive right of access to judicial records and documents, “under the common law the decision whether to grant or restrict access to [such] documents is a matter of a district court’s supervisory power, and it is one best left to the sound discretion of the district court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.” *Virginia Dep’t of State Police v. Washington Post*, 386 F.3d 567, 575 (4th Cir. 2004) (quotation marks omitted). Here, the documents in question contain private subscriber information. There is little or no public interest in obtaining access to such private information. *See EEOC v. Loflin Fabrication LLC*, No. 1:18-cv-813, 2020 WL 3845020, at *2 (M.D.N.C. July 8, 2020); *Frank v. Liberty Life*

Assurance Co. of Bos., 149 F. Supp. 3d 566, 576 (D. Md. 2015). The imposition on any public right of access here is minimal, moreover, because Google is prepared to file a redacted version of the sealed documents on the public record within seven days of the Court's order on this motion.

Google has consulted with counsel for both parties, who consent to the relief sought by this motion. Pursuant to Local Criminal Rule 47(E), Google hereby waives hearing and oral argument on this motion.

A proposed order is attached.

Dated: July 31, 2020

Respectfully submitted,

/s/ Brittany Amadi

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